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FROM: NEW YORK

TO: Secretary of State

NO: 776, MARCH 17, 6 PM

LIMITED DISTRIBUTION.

RE: BERLIN.

FOLLOWING IS PARAPHRASE ACCOUNT OF OUR SECOND MTG 16 MARCH WITH UK AND FRENCH DELS:

1. DIXON (UK): LONDON'S REACTION, WHICH WAS REFERRED TO LLOYD IN BONN BUT NOT NECESSARILY ENDORSED BY HIM, TO IDEA OF SC MTG PRIOR FOUR POWER NEGOTIATIONS IS UNFAVORABLE DUE TO BELIEF THAT SUCH ACTION WOULD PREJUDICE THE PROSPECTS OF REACHING A SETTLEMENT THROUGH NEGOTIATIONS. LONDON BELIEVES IF WE BROUGHT QUESTION TO SC PRIOR TO NEGOTIATIONS, WORLD PUBLIC OPINION WOULD INTERPRET THIS AS OUR ATTEMPT TO PILLORY SOVIETS AT UN AND THIS MIGHT PREJUDICE BRINGING UN INTO PICTURE IF, AT LATER DATE, WE WANTED TO DO THIS. LONDON ALSO FEARED OUR CASE WOULD BE WEAK IN LIGHT MERE SOVIET TRANSFER OF POWERS (IN ABSENCE PHYSICAL INTERFERENCE) SO THAT WE WOULD PROBABLY LACK SATISFACTORY VOTE IN SC AS WELL AS FACE SOVIET VETO AND LIKELIHOOD SOVIETS, AFTER THEY VETOED, MIGHT SEIZE INITIATIVE BY REFERRING MATTER TO GA. THEREFORE ON ASSUMPTION NEGOTIATIONS WILL TAKE PLACE, LONDON DOES NOT FAVOR ANY MOVE TO SC BEFORE NEGOTIATIONS UNDER WAY. WHOLE QUESTION OF EARLY REFERENCE TO SC IS ONE FOR POLITICAL DECISION BY GOVERNMENTS. MIGHT BE WORTHWHILE CONSIDER EFFECTS OF EARLY REFERENCE IN CASE GOVERNMENTS DECIDE FOLLOW THIS COURSE

2. LODGE: WASHINGTON VIEW IS SIMILAR AND DOES NOT FAVOR SC ACTION IN ADVANCE OF NEGOTIATIONS UNLESS IT IS CLEARLY ESTABLISHED THAT NEGOTIATIONS ARE DEFINITELY NOT GOING TO TAKE PLACE. WASHINGTON, HOWEVER, EMPHASIZES ADVANTAGES OF SC

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ACTION BEFORE ANY SOVIET TRANSFER OF RIGHTS OR OTHER BREACH OF STATUS QUO AND THEREFORE FAVORS A REFERENCE TO SC IN CASE OF FAILURE OF NEGOTIATIONS, PARTICULARLY IF THERE ARE INDICATIONS SOVIETS INTEND TRANSFER RIGHTS. WE REALIZE THIS MAY PERMIT SOVIETS TO TRANSFER RIGHTS DURING COURSE OF NEGOTIATIONS BUT WE ACCEPT THIS RISK.

3. DIXON: WE ALSO ACCEPT RISK. SOVIET TRANSFER OF RIGHTS TO GDR DURING COURSE OF NEGOTIATIONS NOT LIKELY SINCE THIS WOULD CAUSE BREAKDOWN NEGOTIATIONS AND ONUS WOULD BE ON THEM.

4. LODGE: NONETHELESS, SOVIETS MIGHT ACCEPT TEMPORARY ONUS IN ORDER GAIN STRONG ADVANTAGES SUCH INITIATIVE WOULD CONVEY.

5. DIXON: AGREE. QUESTION IS TIMING. EVEN THOUGH WE WOULD BE ON BETTER GROUNDS IN SC IF WE WAITED UNTIL AFTER WE HAD BEEN HIT, I.E., AFTER PHYSICAL INTERFERENCE, RATHER THAN GOING TO SC IN LIGHT MERE TRANSFER OF RIGHTS, THIS WOULD RUN UNACCEPTABLE RISK THAT IMMEDIATELY AFTER BREAKDOWN OF NEGOTIATIONS SOVIETS COULD CHANGE STATUS QUO (BY TRANSFER OF RIGHTS TO GDR) AND THEN GO TO SC WITH REQUEST FOR UN SUPPORT OF THE NEW SOVIET-CREATED STATUS QUO. THIS WOULD BE LIKELY SOVIET MOVE IN EVENT THEY NOT SATISFIED WITH PROGRESS AT NEGOTIATIONS PARTICULARLY SINCE IT MUST BE OBVIOUS TO THEM THAT WE WOULD FIND IT DIFFICULT BLOCK SUCH INITIATIVE AT SC AND RESIST PRESSURES FAVORING TRANSFER FROM SC TO GA. THEREFORE, UNLESS WE COULD TAKE ACTION IN GERMANY IMMEDIATELY AFTER TRANSFER OF RIGHTS WHICH WOULD FORCE SOVIETS TO TAKE SOME DRASTIC AND UNPOPULAR COUNTER-MEASURE ON THE GROUND, WE MUST GO TO SC BEFORE SOVIETS HAVE CHANCE TO TRANSFER RIGHTS.

6. LODGE: UNLESS WE DO THIS, AND THEREBY PRESERVE OUR INITIATIVE UN WILL BECOME SOVIET ALLY AND EXACT SITUATION WHICH FRANCE FEARS WILL RESULT WHEREIN THREE-POWER MANEUVERABILITY WILL BE PARALYZED BEFORE WE HAVE CHANCE TO REACT. ESSENTIAL IN THIS REGARD IS OUR NEED TO CONTROL TIMING OF TRANSFER TO GA IN ORDER INSURE DELAY, AS IN LEBANON CASE, IF THREE POWERS NEED TIME FOR SOME

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RATHER

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RATHER FORCEFUL REACTION IN GERMANY.

7. DE VAUCELLES (FRANCE): GOF DISCOUNTS LIKELIHOOD SOVIET INITIATIVE IN SC ON BASIS THEIR PAST RECORD OF OPPOSING INSCRIPTION THIS ITEM IN 1948 ON BASIS ARTICLE 107. GOF ONLY INTERESTED GOING SC UNDER ARTICLE 51 SIMPLY TO INFORM SC OF MEASURES TAKEN BY THREE POWERS IN RESPONSE TO SOVIET INTERFERENCE OUR ACCESS TO BERLIN.

8. DIXON: NOT CONCEIVABLE WE CAN AVOID SC ACTION IN FACE SHARP INCREASE IN TENSION WHICH WOULD RESULT FROM SOVIET TRANSFER OF RIGHTS TO GDR. ONLY QUESTION IS WHETHER WE SHOULD TAKE INITIATIVE OR LEAVE TO SOMEONE ELSE.

9. DE VAUCELLES: BUT IN ABSENCE SOVIET PHYSICAL INTERFERENCE WE LACK BASIS FOR GOING TO SC. ALSO SOVIETS MIGHT INTERPRET OUR RECOURSE TO SC AS EVIDENCE WE UNWILLING TAKE NECESSARY MEASURES ON GROUND TO MAINTAIN ACCESS TO BERLIN.

10. LODGE: BASIS WOULD BE CHAPTER VI, SITUATION WHICH WOULD ENDANGER PEACE IF SOVIETS CARRY OUT ANNOUNCED INTENTION TO CHANGE STATUS QUO. EXCEPT ON SO-CALLED COLONIAL QUESTIONS MOMENTUM IN UNGA IS GENERALLY IN SUPPORT STATUS QUO. BY TAKING INITIATIVE BEFORE CHANGE WE GET UN PRO-STATUS QUO SENTIMENTS ON OUR SIDE. AT SAME TIME WE WOULD MAKE CLEAR OUR DETERMINATION MAINTAIN ACCESS.

11. DIXON: AGREED. IN ORDER SAFEGUARD INITIATIVE IT FOLLOWS THAT WE MUST BE PREPARED GO TO SC WHENEVER BREAKDOWN IN NEGOTIATIONS APPEARS LIKELY. IN THESE CIRCUMSTANCES WE WOULD "GRUMBLE" AND SET RECORD STRAIGHT BUT NOT ASK FOR SOLUTION. WE WOULD CITE KHRUSHCHEV 27 NOVEMBER STATEMENT, FAILURE OF NEGOTIATIONS, AND STATE OUR BELIEF DANGEROUS SITUATION WOULD RESULT IF SOVIETS ALTER STATUS QUO. TO PROTECT OUR POSITION IN SC WE SHOULD BE ABLE TO REFER TO SOVIET REJECTION OF POSITIVE PROPOSALS PUT FORWARD BY OUR SIDE. PRESUMABLY THESE WILL BE DEVELOPED AS RESULT CURRENT TALKS IN PARIS AND MACMILLAN VISIT

WASHINGTON

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WASHINGTON, AND WOULD HAVE BEEN TABLED DURING NEGOTIATIONS. IN SC HOWEVER, REGARDLESS OF FAILURE OF NEGOTIATIONS, WE WOULD HAVE TO EXPECT SC RECOMMENDATION FOR FURTHER NEGOTIATIONS, PROBABLY AT SUMMIT.

12. BEELEY: ALTERNATIVE, WHETHER WE LIKE IT OR NOT, WOULD BE SEIZURE BY SC OF SITUATION AFTER SOVIETS HAD TRANSFERRED RIGHTS TO GDR. THIS LEADS TO ALL SORTS OF PROBLEMS. SINCE WE COULD PROBABLY NOT PREVENT TRANSFER PER SE, WE WOULD PROBABLY HAVE TO REQUEST SOME FORM OF ASSURANCE OUR ACCESS WOULD BE MAINTAINED, I.E., A SUBSTITUTE GUARANTEE FOR OUR FORMER RIGHTS. BY ACCEPTING TRANSFER IN THIS MANNER WE ARE PUT INTO POSITION OF ACCEPTING EXISTENCE TWO GERMAN STATES, WHICH CLEARLY OUT OF LINE WITH OUR POLICIES. ALTERNATIVE WOULD BE TO CALL FOR RESTORATION STATUS QUO ANTE WHICH NEXT TO IMPOSSIBLE AT UN UNLESS WE WILLING ACCEPT COMPROMISE. THEREFORE, IN CONCLUSION, IF RESULTS OF NEGOTIATION ARE UNSATISFACTORY WE MUST BE PREPARED GO TO SC BEFORE SOVIETS HAVE CHANCE TO TRANSFER RIGHTS.

13. DIXON: MY INSTRUCTIONS CALLED FOR ANALYSIS OF BOTH DIPLOMATIC USE OF UN AS WELL AS ANY POSSIBLE USE OF UN MACHINERY WHICH THREE POWERS MIGHT PUT FORWARD IN SUBSTANTIVE PROPOSAL DURING NEGOTIATIONS WITH SOVIETS. THEREFORE PROPOSE WE APPOINT STUDY GROUP FOR PURELY THEORETICAL EXAMINATION THIS SUBJECT.

14. FOR SUBSEQUENT DISCUSSION SE MYTEL 767.

LODGE

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